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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

1 UNILOC 2017 LLC,

2 Plaintiff,

3 v.

4 APPLE INC.,

5 Defendant.

6 Case No.: 3:19-cv-01904-WHO

7 **JOINT STATUS REPORT AND JOINT  
8 STIPULATION WITH [PROPOSED]  
9 ORDER TO STAY CASE PENDING  
10 APPEALS**

11 Plaintiff Uniloc 2017 LLC (“Uniloc”) and Apple Inc. (“Apple”) jointly file this status  
12 report and stipulation to stay pending appeal of other relevant cases.

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14 **Status Report**

15 On November 17, 2018, Uniloc filed the Complaint in the Western District of Texas  
16 asserting infringement by Apple of U.S. Patent No. 7,136,999 (“the ’999 patent”). Dkt. No. 1. On  
17 April 8, 2019, the case was transferred to this District. Dkt. No. 37. On January 28, 2020, Apple  
18 filed an unopposed motion to stay this case pending resolution of instituted IPR2019-01337,  
19 brought by Apple. Dkt. Nos. 86, 87. On January 30, 2020, this Court granted Apple’s motion.  
20 Uniloc has asserted claims 13 and 17 of the ’999 patent.

21 On January 15, 2021, the PTAB found claims 1, 2, 4, 5, 7-10, 13-15, and 17 of the ’999  
22 patent unpatentable, but also found that Apple had not demonstrated that claims 3, 6, 11, 12, and  
23 16 are unpatentable. The parties have not yet decided whether they intend to request rehearing,

1 appeal, or let the Final Written Decision stand. Should Uniloc not appeal the Final Written  
 2 Decision, Apple will promptly request dismissal of this action with prejudice.

3 **Stipulation to Stay**

4 THE PARTIES STIPULATE to stay this action, pending appeal of this District's decision  
 5 regarding the Uniloc entities' lack of standing in *Uniloc 2017 LLC v. Google LLC* (Case No. 20-  
 6 4355 and various related cases); this District's decision regarding Uniloc USA, Inc.'s and Uniloc  
 7 Luxembourg S.A.'s lack of standing in *Uniloc USA, Inc. et al v. Apple Inc.* (Case No. 18-358); and  
 8 the District of Delaware's decision regarding Uniloc USA, Inc.'s and Uniloc Luxembourg S.A.'s  
 9 lack of standing in *Uniloc USA, Inc. et al. v. Motorola Mobility LLC* (Case No. 17-1658).

10 Those courts held that a third party had the ability to sublicense the patents in the Uniloc  
 11 portfolio as of the dates those actions were filed; that that ability deprived the Uniloc plaintiffs of  
 12 constitutional standing to file the actions; and that the court therefor did not have subject matter  
 13 jurisdiction. As a result, those courts dismissed the actions, and the Uniloc plaintiffs from those  
 14 cases have filed appeals as those decisions.

15 Because those decisions appear to create issue preclusion as to various factual and legal  
 16 issues in this action, and that preclusion may cause this Court to lack subject matter jurisdiction  
 17 over this action, the parties believe the Court cannot proceed until the Federal Circuit resolves  
 18 those issues.

19 The parties therefor STIPULATE, with the consent of the Court, to stay this action until  
 20 the last of such decisions on the above appeals by the United States Court of Appeals for the  
 21 Federal Circuit.

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1 Date: February 2, 2021

Respectfully submitted,

2 /s/ Aaron S. Jacobs

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18 ATTESTATION OF FILER

19 I hereby attest that all other signatories listed, and on whose behalf the filing is submitted,  
20 concur in the filing's content and have authorized the filing.

21 /s/ Aaron S. Jacobs